

Notice of Allowability

Application No.

10/702,333

Examiner

Igor Kershteyn

Applicant(s)

HAUSER ET AL.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 11/06/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/06/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement to a hydrostatic transmission over U.S. Patent No. 4,903,545 which teaches a hydrostatic transmission comprising: a hydraulic pump 20 driven by a pump shaft 47 and a hydraulic motor 22 engaged to and driving a motor shaft 35, wherein the pump 20 and motor 22 are mounted in a sump; a center section 48 mounted in the sump and supporting the hydraulic pump 20 and hydraulic motor 22, the center section 48 comprising: a pump running surface 72 having a first opening 47a formed therein to receive the pump shaft 47.

Regarding claim 1, the improvement comprises a first structure extending upward from and generally perpendicular to the pump running surface and comprising a second opening extending generally parallel to the pump running surface; and a second structure extending upward from and generally perpendicular to the pump running surface and comprising a third opening extending generally parallel to the pump running surface.

Regarding claim 10, the improvement comprises a first structure extending upward from and generally perpendicular to the pump running surface and defining a first plane, the first structure having a first opening formed therein parallel to the pump running surface; a second structure extending upward from and generally perpendicular to the pump running surface and defining a second plane, the second structure having a

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second opening formed therein parallel to the pump running surface; and wherein the pump running surface is positioned between the first plane and the second plane.

Regarding claim 19, the improvement comprises a first structure extending upward from and generally perpendicular to the pump running surface and comprising a first opening extending generally parallel to the pump running surface; and a second structure extending upward from and generally perpendicular to the pump running surface and comprising a second opening extending generally parallel to the pump running surface, wherein the first opening and the second opening are generally co-linear.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of one patent.

Johnson (5,010,733) is cited to show a hydrostatic transmission having a center section with pump and motor running surfaces but fails to teach a first and a second structures extending upward to the pump running surface.

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Contact information

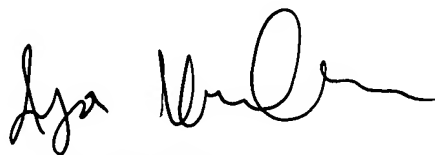
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

October 5, 2004



Igor Kershteyn
Patent examiner.
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EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/10/04